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FEDERAL COMMUNICATIONS COMMISSION
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RIYADH (AFFILIATE)

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June 20, 2001

VIA MESSENGER

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Room TW-204B
Washington, D.C. 20554

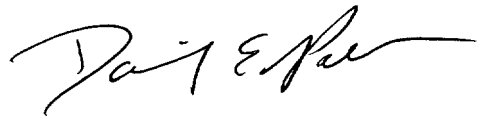
Re: Revision of the Commission's Rules to Ensure Compatibility with
Enhanced 911 Emergency Calling Systems, **CC Docket No. 94-102**

Dear Ms. Salas:

Enclosed are an original and four copies plus two additional public copies of D&E/
Omnipoint Wireless Joint Venture, L.P.'s (d/b/a PCS One) Petition for Waiver of the E-911
Phase II Location Technology Implementation Rules, 47 C.F.R. §§ 20.18(e), (f), and (g), as
adopted in the above-referenced proceeding.

Also enclosed is an extra copy to be date-stamped and returned to me. Questions
regarding this filing may be directed to me at the above address or by telephone at (703) 891-
7518.

Sincerely,



Daniel E. Pollner

Enclosures

cc: Dan Grosh, Wireless Telecommunications Bureau

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JUN 20 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of

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Revision of the Commission's Rules
to Ensure Compatibility with Enhanced
911 Emergency Calling Systems

CC Docket No. 94-102

**D&E/OMNIPPOINT WIRELESS JOINT VENTURE, L.P.'S
PETITION FOR WAIVER OF THE
E-911 PHASE II LOCATION TECHNOLOGY IMPLEMENTATION RULES**

D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One ("PCS One"), by its undersigned counsel and pursuant to Section 1.3 of the rules of the Federal Communications Commission ("FCC" or "Commission"), hereby files this Petition for Waiver of the E-911 Phase II location technology implementation rules, which are set forth at Section 20.18(e)-(h) of the Commission's rules.¹ PCS One, a Personal Communications Services ("PCS") licensee that operates a cellular telecommunications service network in eastern Pennsylvania, is a joint venture, fifty (50) percent owned by VoiceStream Wireless ("VoiceStream") and fifty (50) percent owned by D&E Communications, Inc.

PCS One seeks waiver of the E-911 Phase II location technology implementation rules to permit it, and more particularly VoiceStream, to deploy on the PCS One network a hybrid E-911 location solution using both network-based and handset-based technology. The instant waiver request mirrors an earlier VoiceStream waiver request, for its own cellular telecommunications

¹ See 47 C.F.R. §20.18(e)-(h).

systems, which was conditionally granted by the Commission on September 8, 2000.² As set forth below, PCS One fully satisfies the standard for the requested rule waiver.

I. INTRODUCTION

PCS One's network utilizes the same Global System for Mobile Communications ("GSM") technology used on the VoiceStream systems that are the subject of the previously granted VoiceStream waiver request. PCS One uses the same network and handset equipment as VoiceStream and purchases almost all of its network equipment from the same supplier ("Nortel Networks") as VoiceStream. Moreover, PCS One's network is almost entirely geographically surrounded by systems that are part of VoiceStream's network, and portions of the two companies' networks are technically integrated in certain areas in order to facilitate the handoff of calls between the PCS One network and the VoiceStream network as appropriate.

On September 8, 2000, the Commission granted VoiceStream's request for a conditional waiver of the E-911 requirements to allow VoiceStream to implement a technology called Enhanced Observed Time Difference of Arrival ("E-OTD"), which requires software updates to handsets and associated network upgrades. In granting the waiver, the Commission observed that VoiceStream "faces special circumstances, as it appears that the NSS/E-OTD approach may be the only ALI solution available in the near term for GSM systems."³ Moreover, the Commission found that VoiceStream's E-OTD proposal "represents a promising approach that may offer significant public safety benefits."⁴ As set forth herein, the rationale for granting VoiceStream's waiver request applies with equal force to PCS One and, therefore, the Commission should grant

² See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Memorandum Opinion and Order*, 15 F.C.C. Rcd. 17,442, FCC 00-326 (rel. September 8, 2000) ("VoiceStream Waiver").

³ VoiceStream Waiver at ¶55.

⁴ VoiceStream Waiver at ¶56.

PCS One a waiver of the E-911 Phase II rules subject to the same conditions as the waiver granted VoiceStream.

II. DISCUSSION

The public interest would be well served by the grant of PCS One's request for a waiver of the Phase II E-911 rules. PCS One is fifty (50) percent owned by VoiceStream, and the regional networks operated by each are the subject of several cooperative arrangements and enjoy some degree of technical integration. Moreover, given VoiceStream's ownership interest in PCS One, the geographic proximity to the PCS One network of VoiceStream systems utilizing the same digital technology, and the technical integration between the systems on a regional basis, it is in the interest of safety, efficiency and seamless service for both companies to utilize the same E-911 solution.

As is the case with the VoiceStream systems, the PCS One systems utilize GSM technology, which the Commission has described as a "special circumstance" for which only VoiceStream's E-OTD technology may provide a viable Phase II solution. Indeed, when the FCC adopted the E-911 requirements in 1996, it recognized that there might be exceptional circumstances where deployment of E-911 may not be technically feasible within the prescribed deadlines and that these situations would be handled via individual waiver requests.⁵ This is just such a situation because, as stated above, there is no other readily available E-911 solution for GSM technology besides VoiceStream's E-OTD process. Moreover, even if there were an alternative technology that PCS One could implement to satisfy the E-911 requirements by the deadline, it would be unreasonable to expect PCS One, a regional cellular telecommunications

⁵ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C. Rcd 18,676, 18,718 ¶84 (rel. July 26, 1996).

services provider, to convince any equipment supplier to devote the resources to developing the alternative technology. VoiceStream, on the other hand, has the size and purchasing power, domestically and abroad, to influence suppliers to develop and implement E-OTD.

III. CONCLUSION

As set forth above, PCS One submits that it is in the public interest for the Commission to grant to PCS One the same waiver of the E-911 Phase II implementation rules as that granted to VoiceStream.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard Rubin", is written over a horizontal line.

Richard Rubin, Esq.
Daniel E. Pollner, Esq.

*Counsel for D&E/Omnipoint Wireless
Joint Venture, L.P., d/b/a PCS One*

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Dated: June 20, 2001